

**United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse Building
100 East Fifth Street
Cincinnati, Ohio 45202-3988**

Leonard Green
Clerk

Ken Loomis
(513) 564-7067

December 14, 2011

Kevin Michael Schad, Esq.
Federal Public Defender's Office
250 E. Fifth Street
Suite 350
Cincinnati, Ohio 45202

Re: 11-4301
USA v. Matthew Holland
District Court Number: 11-00070

Dear Mr. Schad:

Thank you for accepting the court's appointment to represent the appellant in the above-styled case; the court appreciates your undertaking to provide the representation afforded by the Criminal Justice Act, 18 U.S.C. § 3006A, et seq. This appeal is taken from a judgment entered by United States District Court Judge Donald C. Nugent of the Northern District of Ohio at Cleveland. Attorney Gregory A. Napolitano of Cincinnati, OH, has been granted leave to withdraw from further representation and your appointment to succeed prior counsel is made pursuant to the terms of the Act..

Upon the completion of transcripts, this office will issue a schedule for the filing of the parties' briefs and joint appendix and will so advise counsel. To that end I have enclosed a copy of the listing of district court docket entries. Please examine the list, determine which if any proceedings are yet to be transcribed and use the Form 6CA-30 to place your order with the appropriate court reporter(s). The court reporter(s) who reported the various parts of the proceedings were: **Douglas C. Bettis**, 801 W. Superior Avenue, Cleveland, OH, 44114, telephone (216) 357-7034, **Lori Klinger-Callahan**, Two S. Main Street, Suite 568, Akron, OH 44308, telephone (330) 819-8676, **Julie Knabe**, 801 W. Superior Avenue, Cleveland, OH, 44114, telephone (216) 357-7238, **Caroline Mahnke**, Two S. Main Street, Suite 568 Federal Building & U.S. Courthouse, Akron, OH 44308, telephone (330) 747-8754, **George Staiduhar**, 801 W. Superior Avenue, Cleveland, OH, 44114, telephone (216) 575-1727, and **Mary Uphold**, 125 Market Street, Suite 337, Youngstown, OH, 44503, telephone (330) 884-7424. If you have any problems involving the transcript, please contact Karen Fultz at (513) 564-7042.

The appearance form and the transcript order forms are to be electronically filed within 14 days from the date of this letter. These forms may be downloaded from the court's website which is:

www.ca6.uscourts.gov. Any questions you may have concerning the progress of the appeal may be addressed to this office to the attention of Benjamin Alexander, Case Manager, at (513) 564-7026.

Some final cautionary notes are in order. First, please note that compensation for associates will not be approved unless prior authorization is obtained for the use of the associate(s), and that excess compensation will not be approved for work performed by associate, even if prior authorization has been obtained, unless the extent and complexity of the case clearly warrants such compensation.

Second, there are companies which claim expertise in federal criminal and post-conviction law and which aggressively market their services directly to inmates. Their marketing materials promise litigants that they may hire these companies, using private funds, to assist court-appointed counsel in developing their appellate strategy and preparing motions and briefs for the court of appeals. **THESE REPRESENTATIONS ARE MISLEADING AND CAN RAISE SERIOUS ISSUES FOR COURTPPOINTED COUNSEL AS WELL AS FOR THE LITIGANT.** If a litigant has private funds available, whether from family or otherwise, to hire a research company, his or her entitlement to the services of counsel or the provision of transcript at government expense is placed in jeopardy. If appointed counsel assists a client in misrepresenting indigency to the court, or knowingly allows such a misrepresentation to occur, he or she is likely to have violated one or more provisions of the Code of Professional Responsibility. If you should become aware that your client has financial resources not previously disclosed to the court, you should contact the Clerk or Chief Deputy Clerk immediately for guidance.

Very truly yours,

Ken Loomis
Administrative Deputy

Enclosures

cc:

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